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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

MARY MOORE, individually, and on  
behalf of other members of the general  
public similarly situated;

Plaintiff,

vs.

ADDUS HEALTHCARE, INC., an  
unknown business entity; ADDUS  
HEMECARE, INC., an unknown business  
entity; and DOES 1 through 100, inclusive,

Defendants.

Case No. 4:19-CV-01519-HSG

[Assigned for all purposes to the Honorable Haywood  
S. Gilliam, Jr., Courtroom 2 – 4<sup>th</sup> Floor]

**CLASS ACTION**

**JOINT STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING BRIEFING SCHEDULE  
AND HEARING DATE ON PLAINTIFF’S  
MOTION FOR CLASS CERTIFICATION, AND  
NON-EXPERT DISCOVERY CUT-OFF**

Date Action Filed:	July 11, 2017
First Am. Complaint Filed:	March 21, 2019
Date Removal Filed:	March 22, 2019

4:19-CV-01519-HSG

**AKIN GUMP STRAUSS HAUER & FELD LLP**

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Attorneys for Defendants

Addus HealthCare, Inc. and

Addus HomeCare Corporation

**STIPULATION**

This stipulation is entered into by and among Plaintiff Mary Moore (“Plaintiff”) and Defendants Addus HealthCare, Inc. (“Addus”) and Addus HomeCare Corporation (“Addus HomeCare,” and erroneously identified in the First Amended Complaint as “Addus HomeCare, Inc.”) (collectively, “Defendants”), by and through their respective counsel, in light of the following facts:

1. WHEREAS, Plaintiff filed her motion for class certification on March 12, 2020, pursuant to the Court’s August 27, 2019 Order setting a class certification briefing and hearing schedule;

2. WHEREAS, pursuant to the Court’s March 26, 2020 Order Approving the Parties’ Stipulation to Continue the Class Certification Briefing Schedule and Non-Expert Discovery Cut-Off (“March 26, 2020 Order”), Plaintiff’s motion for class certification is set for hearing on July 2, 2020;

3. WHEREAS, pursuant to the Court’s March 26, 2020 Order, Defendants’ opposition to Plaintiff’s motion would otherwise be due by May 28, 2020;

4. WHEREAS, pursuant to the Court’s March 26, 2020 Order, Plaintiff’s reply brief would otherwise be due by June 18, 2020;

5. WHEREAS, pursuant to the Court’s March 26, 2020 Order, the non-expert discovery cut-off is June 25, 2020;

6. WHEREAS, Defendants were scheduled to take the deposition of named plaintiff and proposed class representative Mary Moore on March 26, 2020 in Sacramento, California, the county where Ms. Moore resides;

7. WHEREAS, on March 17, 2020, Sacramento County urged compliance with Governor Gavin Newsom’s directives to address the need to slow down the spread of COVID-19, which prohibited all gatherings of any size;

8. WHEREAS, on March 19, 2020, Governor Newsom issued a stay at home order to slow the spread of COVID-19, which ordered all nonessential workers living in California to stay at home;

1           9.       WHEREAS, on April 10, 2020, Los Angeles County Mayor Eric Garcetti issued an  
2 order extending the stay at home order for nonessential workers residing in the County of Los Angeles  
3 to May 15, 2020.

4           10.      WHEREAS, on April 14, 2020, Governor Newsom unveiled six key indicators the state  
5 of California will consider before modifying the March 19, 2020 stay at home order. No specific date  
6 was provided for when the stay at home order would be modified.

7           11.      WHEREAS, on May 1, 2020, the Sacramento County Health Officer issued an order  
8 extending the stay at home order for all Sacramento County nonessential worker residents to May 22,  
9 2020.

10          12.      WHEREAS, the parties agree that an in-person deposition is not feasible at this time,  
11 and Plaintiff's counsel does not believe that a remote deposition would allow them to properly prepare  
12 for and conduct the deposition. Further, Plaintiff works in the healthcare industry, which presents  
13 further challenges to scheduling her deposition at this time;

14          13.      WHEREAS, Defendants will need Plaintiff's deposition in order to properly respond to  
15 the motion for class certification;

16          14.      WHEREAS, in light of circumstances surrounding COVID-19 and their impact on  
17 Defendants' ability to take Plaintiff's deposition, the parties previously requested and received a six-  
18 week extension of the briefing and hearing schedule;

19          15.      WHEREAS, in light of the continued circumstances surrounding COVID-19 and their  
20 impact on Defendants' ability to take Plaintiff's deposition at this time, the parties request a further  
21 four-week extension of Defendants' time to file their opposition to Plaintiff's motion for class  
22 certification, for Plaintiff's to file her reply, and the hearing date for Plaintiff's motion, to June 25,  
23 2020, July 16, 2020, and July 30, 2020 (or as soon thereafter as the Court's calendar permits),  
24 respectively;

25          16.      WHEREAS, should the Court continue the deadline for Defendants' opposition to  
26 Plaintiff's motion for class certification from May 28, 2020 to June 25, 2020, the parties also request a  
27 four-week extension of the non-expert discovery cut-off, from June 25, 2020 to July 23, 2020. This  
28

extension is necessary to permit Plaintiff the opportunity to take the depositions of any witnesses who have submitted declarations in support of Defendants' opposition to Plaintiff's motion for class certification, or any other discovery necessary to prepare Plaintiff's reply brief. If this Court were to continue Defendants' opposition deadline to June 25 but not continue the current June 25 non-expert discovery cut-off, Plaintiff would not have the opportunity to review Defendants' opposition and determine what additional discovery is needed to prepare her reply brief;

17. WHEREAS, if circumstances have not changed after four weeks, the parties will re-evaluate whether a further continuance should be requested;

18. WHEREAS, this stipulation is made for good cause and not for the purpose of delay.

**IT IS SO STIPULATED.**

Dated: May 5, 2020

**AKIN GUMP STRAUSS HAUER &  
FELD LLP**

By /s/ Gary M. McLaughlin  
Gary M. McLaughlin  
Attorneys for Defendants  
Addus HealthCare, Inc. and  
Addus HomeCare Corporation

Dated: May 5, 2020

**MARLIN & SALTZMAN, PC  
LAWYERS *for* JUSTICE, PC**

By /s/ Tatiana Avakian  
Tatiana Avakian\*\*  
Attorneys for Plaintiff  
Mary Moore

\*\*Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, good cause appearing, that:

1. The deadline for Defendants' opposition to Plaintiff's motion for class certification is hereby continued four (4) weeks and is to be filed by June 25, 2020.
2. The deadline for Plaintiff's reply to Defendants' opposition to Plaintiff's motion for class certification is hereby continued four (4) weeks and is to be filed by July 16, 2020.
3. The hearing date for Plaintiff's motion for class certification is hereby continued from July 2, 2020 to July 30, 2020 at 2:00 p.m.
4. The non-expert discovery cut-off is hereby continued from June 25, 2020 to July 23, 2020.

Dated: 5/12/2020

  
The Honorable Haywood S. Gilliam, Jr.